



DEPT OF TRANSPORTATION

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123788

2AA-2001-9097-1

February 21, 2001

Federal Aviation Administration
Attn: Rules Docket, AGC-10
Office of Chief Counsel
800 Independence Avenue, SW
Washington, DC 20591

Subject: Exemption No. 5711E

Reference: DOT FAA notice dated 02/01/01

This letter replies to a notice received from your office regarding Exemption No. 5711E.

Attachment A is a list of aircraft serial numbers and aircraft registration numbers of Federal Express Corporation Cessna Model 208 aircraft.

This correspondence should be treated as an official request for extension of Exemption No. 5711E, for FAR 135.143 (c) (2), allowing operation of the aircraft listed in Attachment A without a Mode-S transponder. The present exemption expires August 31, 2001. The granting of an extension to this exemption is in the public interest, for the same reasons set forth when the exemption was originally granted and then extended. A copy of the exemption and extensions thereto is attached for your information as Attachment B.

I also request a letter indicating approval of the extension and the date showing the new expiration date for the exemption.

My business card is enclosed giving my contact points and telephone numbers. I appreciate your time in this matter.

Regards,

Norman E. Alexander
Federal Express Corporation
Supplemental Air Engineering

Enclosures

Attachment A

	Aircraft Serial Number	Aircraft Registration
1	20800007	N800FE
2	20800009	N801FE
3	20800016	N835FE
4	20800040	N812FE
5	20800056	N819FE
6	20800065	N799FE
7	20800072	N827FE
8	20800075	N830FE
9	20800081	N832FE
10	20800084	N833FE
11	208B0001	N901FE
12	208B0002	N902FE
13	208B0003	N903FE
14	208B0004	N904FE
15	208B0005	N905FE
16	208B0006	N906FE
17	208B0007	N907FE
18	208B0008	N908FE
19	208B0009	N909FE
20	208B0010	N910FE
21	208B0011	N911FE
22	208B0012	N912FE
23	208B0014	N914FE
24	208B0015	N895FE
25	208B0016	N916FE
26	208B0017	N917FE
27	208B0018	N918FE
28	208B0019	N919FE
29	208B0020	N920FE
30	208B0021	N921FE
31	208B0022	N922FE
32	208B0023	N923FE
33	208B0024	N924FE
34	208B0025	N925FE
35	208B0026	N926FE
36	208B0027	N927FE
37	208B0028	N928FE
38	208B0029	N929FE
39	208B0030	N930FE
40	208B0031	N931FE
41	208B0033	N933FE
42	208B0034	N934FE
43	208B0035	N935FE
44	208B0036	N936FE
45	208B0037	N937FE
46	208B0038	N938FE
47	208B0039	N804FE
48	208B0040	N940FE
49	208B0041	N807FE
50	208B0042	N797FE
51	208B0043	N943FE

52	208B0044	N944FE
53	208B0048	N946FE
54	208B0050	N947FE
55	208B0052	N948FE
56	208B0054	N900FE
57	208B0056	N950FE
58	208B0060	N952FE
59	208B0062	N953FE
60	208B0064	N954FE
61	208B0066	N955FE
62	208B0068	N956FE
63	208B0070	N957FE
64	208B0071	N958FE
65	208B0073	N959FE
66	208B0075	N960FE
67	208B0077	N961FE
68	208B0078	N962FE
69	208B0080	N963FE
70	208B0083	N964FE
71	208B0084	N965FE
72	208B0086	N966FE
73	208B0088	N967FE
74	208B0090	N968FE
75	208B0092	N969FE
76	208B0093	N970FE
77	208B0094	N971FE
78	208B0096	N972FE
79	208B0098	N973FE
80	208B0099	N974FE
81	208B0101	N975FE
82	208B0103	N976FE
83	208B0104	N977FE
84	208B0105	N978FE
85	208B0106	N979FE
86	208B0108	N980FE
87	208B0110	N981FE
88	208B0111	N820FE
89	208B0113	N983FE
90	208B0115	N984FE
91	208B0117	N985FE
92	208B0122	N828FE
93	208B0124	N989FE
94	208B0125	N990FE
95	208B0127	N991FE
96	208B0128	N992FE
97	208B0130	N993FE
98	208B0132	N994FE
99	208B0133	N995FE
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102	208B0144	N841FE
103	208B0146	N842FE
104	208B0147	N843FE
105	208B0149	N844FE
106	208B0152	N845FE

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112	208B0166	N851FE
113	208B0168	N852FE
114	208B0170	N853FE
115	208B0174	N798FE
116	208B0176	N856FE
117	208B0177	N857FE
118	208B0178	N858FE
119	208B0180	N939FE
120	208B0181	N859FE
121	208B0182	N860FE
122	208B0183	N861FE
123	208B0184	N862FE
124	208B0185	N885FE
125	208B0186	N863FE
126	208B0187	N864FE
127	208B0188	N865FE
128	208B0189	N866FE
129	208B0190	N886FE
130	208B0191	N867FE
131	208B0194	N986FE
132	208B0195	N869FE
133	208B0196	N870FE
134	208B0197	N997FE
135	208B0198	N871FE
136	208B0200	N872FE
137	208B0201	N987FE
138	208B0202	N873FE
139	208B0203	N855FE
140	208B0204	N881FE
141	208B0205	N874FE
142	208B0206	N875FE
143	208B0207	N876FE
144	208B0208	N882FE
145	208B0209	C-FEXX
146	208B0210	N883FE
147	208B0211	N878FE
148	208B0212	N796FE
149	208B0213	N879FE
150	208B0215	N880FE
151	208B0216	N887FE
152	208B0217	N888FE
153	208B0218	N889FE
154	208B0219	N890FE
155	208B0221	N891FE
156	208B0222	N892FE
157	208B0223	N893FE
158	208B0224	N894FE
159	208B0225	N831FE
160	208B0226	C-FEXY
161	208B0227	N897FE

162	208B0228	N898FE
163	208B0231	N999FE
164	208B0232	N877FE
165	208B0233	N884FE
166	208B0235	N899FE
167	208B0238	N747FE
168	208B0241	N748FE
169	208B0242	N749FE
170	208B0244	C-FEXE
171	208B0245	N751FE
172	208B0247	N752FE
173	208B0248	N753FE
174	208B0250	N755FE
175	208B0251	N756FE
176	208B0252	N760FE
177	208B0254	N761FE
178	208B0255	N762FE
179	208B0256	N763FE
180	208B0258	N764FE
181	208B0259	N765FE
182	208B0260	N766FE
183	208B0262	N767FE
184	208B0263	N768FE
185	208B0264	N769FE
186	208B0265	N770FE
187	208B0267	N771FE
188	208B0268	N772FE
189	208B0269	N773FE
190	208B0271	N774FE
191	208B0272	N775FE
192	208B0273	N776FE
193	208B0275	N778FE
194	208B0276	N779FE
195	208B0277	N780FE
196	208B0278	N781FE
197	208B0280	N782FE
198	208B0281	N783FE
199	208B0282	N784FE
200	208B0283	N785FE
201	208B0284	N786FE
202	208B0285	N787FE
203	208B0286	N788FE
204	208B0287	N789FE
205	208B0288	N790FE
206	208B0289	N791FE
207	208B0290	N792FE
208	208B0291	N793FE
209	208B0292	N794FE
210	208B0293	N795FE
211	208B0419	N700FX
212	208B0420	N701FX
213	208B0422	N702FX
214	208B0423	N703FX
215	208B0425	N705FX
216	208B0426	N706FX

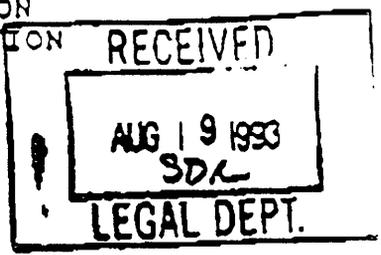
217	208B0427	N707FX
218	208B0429	N708FX
219	208B0430	N709FX
220	208B0431	N710FX
221	208B0433	N711FX
222	208B0435	N712FX
223	208B0438	N713FX
224	208B0440	N715FX
225	208B0442	N716FX
226	208B0445	N717FX
227	208B0448	N718FX
228	208B0450	N719FX
229	208B0452	N720FX
230	208B0453	N721FX
231	208B0454	N722FX
232	208B0456	N723FX
233	208B0458	N724FX
234	208B0460	N725FX
235	208B0465	N726FX
236	208B0468	N727FX
237	208B0471	N728FX
238	208B0474	N729FX
239	208B0477	N730FX
240	208B0480	N731FX
241	208B0482	N738FX
242	208B0484	N740FX
243	208B0486	N741FX
244	208B0489	N742FX
245	208B0492	N744FX
246	208B0495	N745FX
247	208B0498	N746FX
248	208B0501	N747FX
249	208B0503	N748FX
250	208B0508	C-FEXF
251	208B0511	N750FX
252	208B0514	N751FX
253	208B0517	N752FX
254	208B0520	N753FX
255	208B0526	N754FX
256	208B0529	N755FX
257	208B0532	N756FX
258	208B0535	N757FX
259	208B0539	N758FX
260	208B0542	N759FX

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Attachment B

Exemption No. 5711

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, D.C. 20591



In the matter of the petition of
FEDERAL EXPRESS CORPORATION
for an exemption from
§ 135.143(c)(2) of the Federal
Aviation Administration

Regulatory Docket No. 27205

GRANT OF EXEMPTION

By letter dated March 4, 1993, Mr. Mark S. Blair, Managing Director, Feeder Aircraft Operations, Federal Express Corporation (FEC), 2892 Business Park, Memphis TN 38118, petitioned the Federal Aviation Administration (FAA) for an exemption from § 135.143(c)(2) of the Federal Aviation Regulations (FAR) to permit FEC to operate without a TSO-C112 (Mode S) transponder installed on its aircraft operating under the provisions of part 135.

FEC requests relief from § 135.143(c)(2), which states, in pertinent part:

- (c) ATC transponder equipment installed within the time periods indicated must meet the performance and environmental requirements of the following TSO's:

- (2) After January 1, 1992: The appropriate class of TSO-C112 (Mode S). For purposes of paragraph (c)(2) of this section, "installation" does not include--
 - (i) Temporary installation of TSO-C74b or TSO-C74c substitute equipment, as appropriate, during maintenance of the permanent equipment;
 - (ii) Reinstallation of equipment after temporary removal for maintenance; or

Attachment B

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- (iii) For fleet operations, installation of equipment in a fleet aircraft after removal of the equipment for maintenance from another aircraft in the same operator's fleet.

FEC supports its request with the following information:

FEC states that its petition is in the public interest for both safety and economic reasons. In terms of safety, the petitioner states that ground sensors when combined with Mode S transponders, enable air traffic control (ATC) to track aircraft more effectively, thereby reducing the likelihood of a mid-air collision. It maintains, however, that without ground sensors, which will not be available until late 1995, Mode S transponders provide no more benefits than advanced solid state Mode C transponders. Thus, FEC claims the proposed exemption would not reduce aviation safety. In terms of economics, FEC states that the installation of Mode S transponders would impose a substantial burden. The petitioner states that the average price of a Mode S transponder is \$3,500 compared to \$1,500 for a Mode C transponder. Granting the proposed exemption, FEC further states, would generate benefits in the form of cost relief for both it and its customers.

FEC states that its request is for those aircraft listed on Attachment A. FEC further adds that it is planning to perform substantial maintenance and modification work on these aircraft in the immediate future and has elected to install in them a second transponder to enhance safety and reliability.

FEC states that a delay for publication and comment procedures in the Federal Register would be detrimental because it would place significant economic hardship on the air carrier.

The FAA has determined that for good cause shown, a delay for publication and comment procedures would be detrimental to the petitioner. Therefore, good cause exists for waiving publication in the Federal Register.

The FAA's analysis/summary is as follows:

The FAA is aware that the ground sensors necessary for Mode S transponders as envisioned by the FAA have not become operational. These ground sensors are not expected to be fully operational until late 1995. Without functioning ground sensors, a Mode S transponder offers no reduction in ATC separation criteria or increase in traffic flow over that provided by a Mode C transponder. No safety advantage is

Attachment B

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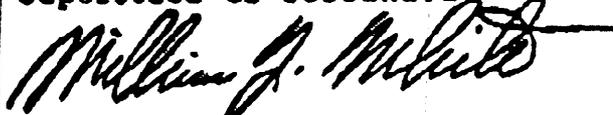
gained by requiring Mode S transponders to be used in aircraft having a passenger configuration of 10 to 30 seats, without the necessary ground sensors. Therefore, the FAA is undertaking rulemaking action to propose a revision of § 135.143(c)(2) that would provide relief to operators of these aircraft.

In the interim, some individuals, such as the petitioner, need to install ATC transponder equipment before relief can be granted through general rulemaking. The FAA agrees with the petitioner that it would not be in the public interest to compel these individuals, who are uniquely burdened by the rule, to purchase and install Mode S transponders when necessary ground components for the system are currently unavailable.

In consideration of the foregoing, I find that a grant of exemption is in the public interest. Therefore, pursuant to the authority in Sections 313(a) and 601(c) of the Federal Aviation Act of 1958, delegated to me by the Administrator (14 CFR 11.53), Federal Express Corporation is granted an exemption from § 135.143(c)(2) to the extent necessary to allow it to operate the following aircraft:

1. The aircraft as listed in Attachment A may be equipped with any TSO-C73b or TSO-C74c transponder.
2. Any aircraft for which the installation of an ATC transponder is needed and notice is given to the principal operations inspector.

This exemption expires on August 31, 1995, unless sooner superseded or rescinded.



William J. White
Acting Director, Flight Standards
Service

Issued in Washington, D.C., on AUG 10 1993

Attachment B



US Department
of Transportation
**Federal Aviation
Administration**

800 Independence Ave., S.W.
Washington, D.C. 20501

November 18, 1994

Exemption No. 5711C
Regulatory Docket No. 27205

Ms. Sheila D. Ryan
Senior Attorney, Regulatory Affairs
Federal Express Corporation
Legal Department
1980 Nonconnah Blvd.
Memphis TN 38132

Dear Ms. Ryan:

This exemption will permit any part 135 operator to operate any aircraft owned and leased by Federal Express Corporation (FEX) without complying with Section 135.143(c)(2) of the Federal Aviation Regulations (FAR).

It remains the FAA's intention that the widest possible relief be granted, where appropriate, to operators of FEX aircraft. Since FEX only offers its Cessna C-208 aircraft for lease and does not operate them under an operating certificate, the FAA finds that there would be no conflict with safety and that it would be in the public interest to allow part 135 operators who lease any FEX aircraft to operate these aircraft without a Mode S transponder being installed on the aircraft.

Therefore, in order to correct any misunderstanding the FAA had regarding operational control and responsibility for these leased C-208 owned by FEX, the FAA has decided to issue this amendment to the exemption.

The FAA has determined that good cause exists for waiving the requirements for publication and summary of this petition in the Federal Register. A grant of this exemption would not set a precedent, and any delay in action on this petition would not be in the public interest. Therefore, the FAA has waived the requirement for publication in the Federal Register.

AFS-95-063-E

Attachment B

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In consideration of the foregoing, I find that a grant of exemption is in the public interest. Therefore, pursuant to the authority in Sections 313(a) and 601(c) of the Federal Aviation Act of 1958, delegated to me by the Administrator (14 CFR 11.53), Exemption No. 5711, as amended, is further amended by extending its expiration date to August 31, 1997 and to permit part 135 operators who lease aircraft from FEX to operate these aircraft without a Mode S transponder being installed.

This amendment shall be attached to and is part of Exemption No. 5711, as amended, and is subject to the following conditions and limitations.

1. The aircraft as listed in Attachment A of Exemption No. 5711, as amended, may be equipped with any TSO-C73b or TSO-C74c transponder.
2. Any aircraft owned by FEX for which the installation of an ATC transponder is needed and notice is given to the principal operations inspector of the leasing operator.

This exemption expires on August 31, 1997, unless sooner superseded or rescinded.

Sincerely,



William J. White
Acting Director, Flight Standards
Service

Attachment B



U.S. Department
of Transportation

**Federal Aviation
Administration**

800 Independence Ave., S.W.
Washington, D.C. 20591

001 5 1997

Exemption No. 5711D
Regulatory Docket No. 27205

Dr. J. Paul Sims
Project Engineer, Feeder Aircraft Operations
Federal Express Corporation
P.O. Box 727
Memphis, TN 38194-2890

Dear Dr. Sims:

This is in response to your June 3, 1997, telephone conversation, June 4, 1997, letter, and June 17, 1997, supplemental information petitioning the Federal Aviation Administration (FAA) on behalf of Federal Express Corporation (FedEx) for an extension of Exemption No. 5711, as amended. That exemption from § 135.143(c)(2) of Title 14, Code of Federal Regulations (14 CFR) permits part 135 certificate holders that lease aircraft from FedEx to operate those aircraft under part 135 without TSO-C112 (Mode S) transponders installed.

In your petition, you indicate that the conditions and reasons regarding public interest and safety, presented in the original petition upon which the exemption was granted, remain unchanged.

The FAA has determined that good cause exists for not publishing a summary of the petition in the Federal Register because the requested extension of the exemption would not set a precedent, and any delay in acting on this petition would be detrimental to FedEx.

The FAA has determined that the justification for the issuance of Exemption No. 5711, as amended, remains valid with respect to this exemption.

In consideration of the foregoing, I find that a grant of exemption is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. §§ 40113 and 44701, delegated to me by the Administrator (14 CFR § 11.53), Exemption No. 5711, as amended, is hereby further amended by extending its August 31, 1997, termination date to August 31, 1999, unless sooner superseded or rescinded.

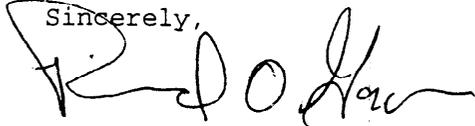
AFS-97-342-E

Attachment B

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All other conditions and limitations of Exemption No. 5711, as amended, remain the same. This letter shall be attached to, and is a part of, Exemption No. 5711.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard O. Gordon". The signature is fluid and cursive, with a large initial "R" and "G".

Richard O. Gordon
Acting Director, Flight Standards Service

Attachment B



U.S. Department
of Transportation
**Federal Aviation
Administration**

800 Independence Ave., S.W.
Washington, D.C. 20591

AUG 24 1999

Exemption No. 5711E
Regulatory Docket No. 27205

Dr. J. Paul Sims
Project Engineer, Feeder Aircraft Operations
Federal Express Corporation
P.O. Box 727
Memphis, TN 38194-2890

Dear Dr. Sims:

This is in response to your May 23, 1999, letter petitioning the Federal Aviation Administration (FAA) on behalf of Federal Express Corporation (FedEx) for an extension of Exemption No. 5711, as amended. That exemption from § 135.143(c)(2) of Title 14, Code of Federal Regulations (14 CFR) permits part 135 certificate holders that lease aircraft from FedEx to operate those aircraft under part 135 without TSO-C112 (Mode S) transponders installed.

In your petition, you indicate that the conditions and reasons regarding public interest and safety, presented in the original petition upon which the exemption was granted, remain unchanged.

The FAA has determined that good cause exists for not publishing a summary of the petition in the Federal Register because the requested extension of the exemption would not set a precedent, and any delay in acting on this petition would be detrimental to FedEx.

The FAA has determined that the justification for the issuance of Exemption No. 5711, as amended, remains valid with respect to this exemption.

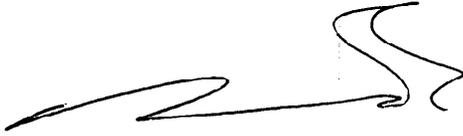
In consideration of the foregoing, I find that a grant of exemption is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. §§ 40113 and 44701, delegated to me by the Administrator (14 CFR § 11.53), Exemption No. 5711, as amended, is hereby further amended by extending its August 31, 1999, termination date to August 31, 2001, unless sooner superseded or rescinded.

Attachment B

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All other conditions and limitations of Exemption No. 5711, as amended, remain the same. This letter shall be attached to, and is a part of, Exemption No. 5711.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Nicholas Lacey'. The signature is fluid and cursive, with a prominent loop at the end.

L. Nicholas Lacey
Director, Flight Standards Service